
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

FREDERICK O. SILVER,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES
LLC; EXPERIAN INFORMATION
SOLUTIONS, INC.; and TRANS UNION
LLC,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING [89] REPORT AND
RECOMMENDATION**

Case No. 2:22-cv-00578-DBB-JCB

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Jared C. Bennett recommends granting Defendants' motions to dismiss, denying Mr. Silver's Motion for Temporary Restraining Order and Preliminary Injunction, denying Mr. Silver's Motion for Leave to File a Fourth Amended Complaint, and dismissing this case with prejudice.²

Judge Bennett recommends granting the Defendants' motions to dismiss because Mr. Silver's claims are barred by the statute of limitations and even if the claims were not barred, the operative complaint fails to state a claim upon which relief can be granted.³ With respect to the motions filed by Mr. Silver, Judge Bennett recommends denying Mr. Silver's Motion for a Temporary Restraining Order and Preliminary Injunction because the motion fails to satisfy the elements required for such relief.⁴ Judge Bennett also recommends denying Mr. Silver's Motion

¹ Report and Recommendation, ECF No. 89, filed May 16, 2025.

² *Id.* at 1–2.

³ *Id.* at 4–7.

⁴ *Id.* at 10–12.

for Leave to File a Fourth Amended Complaint because it would be futile to allow Mr. Silver to file his proposed amended complaint, and the motion was unduly delayed.⁵ Finally, Judge Bennett recommends dismissing this case with prejudice.⁶

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of its service pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.⁷ Mr. Silver filed an untimely objection.⁸ As such, the court declines to consider Mr. Silver's objection.⁹

Because no party filed a timely written objection to the Report and Recommendation, and because the analysis and conclusions of the Magistrate Judge are sound, the Report and Recommendation is adopted.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED.¹⁰ It is further ORDERED:

1. Defendants' Motions to Dismiss are GRANTED.¹¹

⁵ *Id.* at 7–10.

⁶ *Id.* at 13.

⁷ *Id.*

⁸ The Report and Recommendation was filed on May 16, 2025, and any objection was due May 30, 2025. *See id.* Mr. Silver received an email notification regarding the Report and Recommendation on May 16, 2025. However, Mr. Silver did not file his objection until June 5, 2025. *See* Pl.'s Obj. to Report and Recommendation, ECF No. 92, filed June 5, 2025.

⁹ *See, e.g., Lemmons v. Houston*, 633 Fed.Appx. 664, 666–67 (10th Cir. 2015) (unpublished) (affirming a district court's decision to decline to consider a pro se plaintiff's untimely objection to a report and recommendation). Mr. Silver has failed to comply with other deadlines in this case. *See* Opposition to Motions to Dismiss, ECF No. 77, filed Mar. 3, 2025 (filing the Opposition to the Motions to Dismiss over three months after the response was due). However, even considering the Objection to the Report and Recommendation, each of Mr. Silver's objections are without merit.

¹⁰ ECF No. 89.

¹¹ ECF Nos. 62, 64, 65.

2. Mr. Silver's Motion for Temporary Restraining Order and Preliminary Injunction is DENIED.¹²
3. Mr. Silver's Motion for Leave to File a Fourth Amended Complaint is DENIED.¹³
4. The case is DISMISSED WITH PREJUDICE.

Signed June 18, 2025.

BY THE COURT:



David Barlow
United States District Court Judge

¹² ECF No. 80.

¹³ ECF No. 66.